

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR ENVIRONMENTAL  
HEALTH, et al.,

Plaintiffs,

v.

SONNY PERDUE, et al.,

Defendants.

Case No. 18-cv-01763-RS (TSH)

**DISCOVERY ORDER**

Re: Dkt. No. 83

The Court held a telephonic hearing today concerning the process for resolving Plaintiffs' challenges to Defendants' assertion of the deliberative process privilege as to certain documents on their privilege log. The parties advised that Defendants' log currently has 1,239 entries, but there is still some deduplication to do. Plaintiffs anticipate they will challenge most of the assertions of deliberative process privilege. The Court and the parties discussed using letter briefs to address a sample set of documents. The Court **ORDERS** as follows:

1. The parties shall meet and confer and inform the Court when they want to file the letter briefs, what the briefing schedule should be, and how many documents should be in the sample. Plaintiffs shall file a moving letter brief (not to exceed 5 pages), Defendants shall file an opposing letter brief (not to exceed 5 pages), and Plaintiffs may file a reply letter brief (not to exceed 2.5 pages). The Court anticipates that the letter briefs should address 10-20 documents but leaves the precise number up to the parties.

2. No later than August 27, 2019, the parties shall file either a stipulation or competing proposals as to the subjects mentioned in the first sentence of the preceding paragraph.

**IT IS SO ORDERED.**

Dated: August 20, 2019

  
THOMAS S. HIXSON  
United States Magistrate Judge